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Attorneys for Defendant Republic Engineered Products

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
DPH HOLDINGS CORP., <i>et al.</i> ,	:	Case No. 05-44481-RDD
	:	Jointly Administered
	:	

**LIMITED OBJECTION OF REPUBLIC ENGINEERED PRODUCTS TO MOTION FOR
FINAL DECREE AND ORDER [DOCKET NO. 22073]**

Republic Engineered Products (“Republic”), by and through his undersigned counsel, hereby files this limited objection (the “Objection”), to the *Reorganized Debtors’ Motion for Final Decree and Order Pursuant to 11 U.S.C. §§ 105, 350(a), and 1142, Fed. R. Bankr. P. 3022, and Local Bankr. R. 3022-1 Closing the Bankruptcy Cases and Providing Related Relief* (the “Closing Motion”) [Docket No. 22073].¹ Republic is a defendant in two Remaining Adversary Proceedings before this Court, both of which are scheduled for a Rule 15/Rule 4(m) hearing before this Court in December.² Therefore, Republic objects to the relief requested in the Closing Motion to the extent that it may seek to prejudice Republic’s rights and ability to fully and fairly assert its various defenses in the Preference Actions and on appeal.

¹ Except as otherwise provided, all defined terms shall have the same meaning as set forth in the Closing Motion.

² The pending adversary proceedings are case no.s 07-02724 and 07-02744 (the “Preference Actions”).

Specifically, Republic does not object to the Debtors' request to close the Open Cases and complete their administrative tasks, except to the extent that such actions may prejudice or otherwise affect Republic's ability to fully investigate and asserts its various defenses in the Preference Actions.³ In its Closing Motion, the Debtors state that, prior to the Closing Status Hearing (which they propose to hold in December of this year), they ". . . intend to resolve, either consensually or before this Court, all matters relating to both the Remaining Claims and the Remaining Adversary Proceedings." *Closing Motion* at ¶ 17. However, given the current status of the Preference Actions, this cannot occur without severely prejudicing Republic's ability to assert its rights in the Preference Actions. Likewise, the Debtors state that, if the Remaining Adversary Proceedings are not resolved by August 1, 2013, they will be "noticed for disposition" and that the procedures set forth in the Adversary Proceedings Procedures Order be "expedited" without explaining what this means to the remaining defendants in those actions. *Id.* at ¶ 18.

Therefore, Republic objects to the relief requested in the Closing Motion to the extent it seeks to prejudice Republic's rights and ability to fully and fairly assert its various defenses in the Preference Actions and on appeal, and requests that this Court ensure that any Order entered with regard to the Closing Motion expressly provides that the time periods set forth in the Adversary Proceedings Procedures Order will not be either modified or "expedited" to Republic's detriment either in the Preference Actions or on appeal.

³ Likewise, Republic seeks to ensure that its right and ability to seek an appeal from either of the Preference Actions is not prejudiced by the approval of the Closing Motion and the relief sought therein.

Dated: July 16, 2013

Respectfully submitted,

/s/ Nathan A. Wheatley

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CERTIFICATE OF SERVICE

A copy of the foregoing was served electronically, through the Court's ECF system, upon those parties registered to receive such notice on this 16th day of July, 2013.

/s/ Nathan A. Wheatley

Nathan A. Wheatley